

立法會
Legislative Council

LC Paper No. LS87/16-17

**Paper for the House Committee Meeting
on 30 June 2017**

**Legal Service Division Report on
Proposed Resolution under section 7(a) of
the Legal Aid Ordinance (Cap. 91)**

The Secretary for Home Affairs has given notice to move a motion at the Legislative Council ("LegCo") meeting of 12 July 2017 under section 7(a) of the Legal Aid Ordinance (Cap. 91) to seek LegCo's approval for raising the financial eligibility limits of legal aid applicants by 4.0%.

2. The proposed resolution is to amend the limits of financial resources of legal aid applicants specified in sections 5 and 5A of Cap. 91 for the Ordinary Legal Aid Scheme ("OLAS") and Supplementary Legal Aid Scheme ("SLAS") respectively as follows:

	<i>Existing limit</i>	<i>Proposed limit</i>
OLAS	not exceeding \$290,380	not exceeding \$302,000
SLAS	exceeding \$290,380 but not exceeding \$1,451,900	exceeding \$302,000 but not exceeding \$1,509,980

3. Under OLAS and SLAS, persons whose financial resources¹ do not exceed the specified limits are financially eligible for the granting of legal aid in certain civil proceedings. The two schemes differ in the types of cases covered² and the scales of contribution from the aided persons. The financial eligibility limit for OLAS also applies to criminal legal aid under rule 4(1) of the Legal Aid in Criminal Cases Rules (Cap. 221D). Section 7(a) of Cap. 91 provides that LegCo may by resolution amend the amounts of financial

¹ Under section 2A of the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91B), the "financial resources" of an applicant for legal aid means the aggregate of the person's yearly disposable income and disposable capital which shall be determined by the Director of Legal Aid in accordance with the provisions in Part 2 of and Schedules 1 and 2 to Cap. 91B.

² Civil proceedings which are covered by OLAS and SLAS are respectively set out in Part 1 of Schedule 2 and Part 1 of Schedule 3 to Cap. 91.

resources specified in sections 5 and 5A of Cap. 91. The existing amounts of financial resources were specified in July 2015 (L.N. 170 of 2015)³.

4. According to the Administration, the proposed upward adjustment of the financial eligibility limits for OLAS and SLAS by 4.0% is to reflect the accumulated change in the Consumer Price Index (C) recorded between July 2014 and July 2016. Members may refer to the LegCo Brief (File Ref: HAB/CR 19/1/49) issued by the Home Affairs Bureau in June 2017 for further information.

5. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, the Panel noted at its meeting held on 26 June 2017 an information paper entitled "Review of Financial Eligibility Limits of Legal Aid Applicants" provided by the Home Affairs Bureau and the Legal Aid Department (LC Paper No. CB(4)1263/16-17(01)). The paper was circulated to Panel members on 19 June 2017 for reference. No member raised any questions on the paper at the meeting.

6. The proposed resolution, if approved, would come into operation on the date of publication in the Gazette.

7. No difficulties relating to the legal and drafting aspects of the proposed resolution have been identified.

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³ According to paragraph 4 of the LegCo Brief (File Ref: HAB/CR 19/1/49), the previous upward adjustment of financial eligibility limits for OLAS and SLAS by 7.7% in July 2015 was to reflect the Consumer Price Index (C) changes between July 2012 and July 2014.